

## Three alcohol reform bills advanced by Senate committee

(eCap) The Senate Business, Commerce and Tourism Committee advanced three measures related to alcohol reform Wednesday.

The first of Wednesday's trio of reform bills, [HB2186](#), also met with the most discussion and debate from committee members.

HB2186, by Rep. Cory T. Williams, D-Stillwater, and Sen. David Holt, R-Oklahoma City, with title stricken, modifies the definition of "motion picture theater" as it relates to the sale of low-point beer. It eliminates beer and wine licensing prohibitions related to motion picture theaters. It allows a retail license or permit to sell-low point beer to be issued to motion picture theaters. It defines terms used therein. It repeals language related to low-point beer sales in motion picture theaters.

A handful of members expressed concern the bill would alter the movie theater environment to be one in which minors could more easily access alcoholic beverages.

Sen. Anastasia Pittman, D-Oklahoma City, asked if there would be a way in which to measure alcohol consumption. She said she was unsure how regulation of its consumption in a dark environment, such as movie theater, would work.

Holt noted as mixed drink licensee holders, theaters would be held to the same standard and restrictions as arenas and restaurants. This, he continued, meant such establishments could not sell alcohol to inebriated individuals.

"I'm not aware of any drink limit in the law for any type of establishment but certainly inebriation is always where the cut off lies," Holt said. "They'd be subject to all the same responsibilities the mixed beverage license holders currently have."

Holt also argued movie theaters are not as dark as some would claim, and this bill would only make regulation easier, reminding members the practice was allowed in 45 other states.

"If someone is standing at the front of the theater tasked with regulating this type of activity and looking out at the audience, they can see everything," he posited. "The reflection off the screen illuminates the entire audience. It makes sense in your mind it's a dark theater but it's really not."

Chair Dan Newberry, R-Tulsa, drew issue with lack of a provision requiring a 21-year-old or older area for those opting to drink alcoholic beverages at the theater.

"This isn't a new concept," Holt countered, arguing the bill would not turn theaters into bars. He pointed out that when he orders alcohol at a restaurant he is not required to go to a separate area.

"Certainly you would agree that in a restaurant a majority of the sale is food," Newberry countered, noting current law requiring a certain percentage of food sales to alcohol sales.

Holt argued that a theater setting was "an obviously different model," as the predominate element of the bill would be the film.

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## Quote of the Day

*"The wrapper off a Snickers bar might not be historically significant."*

Rep. Micheal Bergstrom, R-Adair

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## Capitol News Now



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"I don't know that there's an apples-to-apples comparison to be made," Holt said, conceding there was such a comparison to be made in regards to the arraignment of people, alcohol and minors.

"In terms of the financial arrangement and the business model for a movie theater, it's just hard to make a comparison with a restaurant," he posited. He later added that arenas require separate areas for the purchase of alcohol, but customers then can return to their seat.

Newberry then requested a compelling reason for the change in statute, particularly in the wake of the alcohol reform approved by voters last fall. Holt cited the bill reflected and expanded upon the clear voter interest in reforming the state's alcohol laws as well as an opportunity for healthy economic development.

The legislation passed on 7 to 3.

The other two alcohol bills, HB1302 and HB1540 respectively, were presented by their shared Senate co-author, Sen. Stephanie Bice.

The committee substitute (CS) for HB1302, by Rep. Casey Murdock, R-Felt, and Bice, R-Oklahoma City, with title stricken, ensures no special event license or charitable alcoholic beverage event license for alcoholic beverages be required for an organization, association or nonprofit corporation whose purpose is to promote the common interest of economic development and business growth within a community, provided said event is not conducted primarily for fundraising purposes and services of a licensed caterer are used to provide and distribute said beverages at the event in question. It makes the use, offering for use, purchasing, offering to purchase, selling, offering to sell or possession of powdered alcohol unlawful. It defines terms used therein. It prescribes violations and punishments.

HB1540, by Rep. Emily Virgin, D-Norman, and Bice, with title stricken, authorizes a winemaker licensee to sell wine produced at a winery from grapes and other fruits grown in Oklahoma for either on or off-premises consumption. It eliminates the Direct Wine Consumer's Permit. The change in the substitute allows Oklahoma wineries to ship their products within the state, but keeps the restriction on shipping for out-of-state wineries.

Bice referred to the pair as work in progress as she was currently working on amending their language before bringing them to the Senate floor. Both bills also received do pass recommendations.

Six other bills made through the committee with relative ease, including:

- CS for HB1110, by Rep. Randy McDaniel, R-Edmond, and Newberry, with title stricken, allows a Professional Employer Organization to be given credit for the taxable wages paid on each employee in the immediately previous account under which client wages were reported. The bill updates statutory references. It repeals language relating to group accounts in the Employment Security Act of 1980. It prohibits the provisions from preventing the Commission from disclosing or being liable whatsoever in the disclosure of the release of employer tax information and benefit claim information to employees of a county public defender's office in Oklahoma and the Oklahoma Indigent Defense System for the purpose of determining financial eligibility for the services provided by such entities. It requires the tax rate computed for or assigned to an employer be reduced by five percent for the time period beginning January 1, 2018, and ending December 31, 2022. It requires it not be reduced to less than one percent. It requires employers given the highest tax rate in the rate table for the given year not be eligible for said rate reduction. It creates the State Treasury a revolving fund for the Oklahoma Employment Security Commission to be designated the "OESC Technology Fund". It requires the OESC Technology Fund be separate and distinct from the Unemployment Compensation Fund and consist of all monies received from employers and financial instruments, certificates of deposit, bonds and securities acquired by and through the use of monies in the OESC Technology Fund. It prescribes purposes and limitations of the fund, establishing the fund as a continuing fund not subject to fiscal year limitations. It sets a cap for expenditures from the fund. It designates the State Treasurer as the custodian and treasurer of the fund, prescribing the Treasurers duties and authority in relation to the fund. It requires the Commission to promulgate rules. It designates the creation of an annual report detailing the collection of the apportionment funds and the expenditures from the fund. It provides required info to be collected in the report and details when it will be delivered and to whom it will be delivered. It requires the balance of the fund on July 1 of any given year be

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used in the calculation of conditional factors as long as the fund balance remains greater than zero.

· HB1283, by Rep. Kevin Wallace, R-Wellston, and Newberry, with title stricken, allows a provisional license to be renewed if an applicant is otherwise compliant with the requirements of the Oklahoma Inspectors Act including meeting continuing education requirements if the licensed building and construction inspector is not employed at the time of renewal. It requires however said application reflects the change in employment along with a request to renew as inactive status. It allows an inactive license status to be change to active upon notification of employment to the Construction Industries Board. It defines new terms used therein in addition to modifying those included in the original language. It requires the Board to create for one acting as or performing the work of a building and construction inspector a separate classification of inspector license to act as an authorized agent of a political subdivision and such licensure be governed by the Oklahoma Inspectors Act. It provides the process by which an individual may obtain an authorized agent inspector license. It specifies restrictions on authorized agent inspector licenses.

· CS for HB1570, by Rep. Jon Echols, R-Oklahoma City, and Holt, with title stricken, modifies language related to the Discovery Code.

· HB1597, by Rep. Kevin Calvey, R-Oklahoma City, and Newberry, with title stricken, requires subpoenas issued by a judgement creditor which requires disclosure of information to be deemed valid.

· CS for HB1707, by McDaniel, and Sen. Gary Stanislawski, R-Tulsa, with title stricken, requires county sheriffs to cause the property sold at a public auction on the date and at the time designated in a notice of sale in relation to property subject to forced sale. It allows bids for such a sale to be submitted and accepted electronically using a designated auction telephone number, in person at an open public outcry auction, or by a combination of said methods.

· HB1826, by Rep. Chris Kannady, R-Oklahoma City, and Sen. Greg Treat, R-Oklahoma City, with title stricken, requires certified copies of all the recorded covenants and restrictions of a real estate development be provided by the title company to the buyer of property in the real estate development as a part of the closing of the real estate sale.

The committee failed one bill, HB1505, after a brief debate between Stanislawski and Newberry.

HB1505, by Strohm and Stanislawski, with title stricken, requires an invoice for service exhibiting compensation to the appraiser to be included with all assignments when providing services independently or not in an employer or employee relationship.

Newberry argued that legislation requiring an appraiser or an entity to disclose the exact amount paid to an appraiser "gets into contractual obligations" he felt the state did not belong in. Stanislawski closed debate by referring to the bill as a "simple transparency" measure.

The bill failed on a vote of 2 to 6, with Stanislawski and Sen. Joseph Silk, R-Broken Bow, voting aye.

**[LESS]**

### **Modernized public meeting notification requirements advances**

(eCap) Legislation altering the method of notice posting for public meetings of public bodies generated discussion Wednesday among members of the House Government Modernization Committee Wednesday before receiving a do pass recommendation.

**SB0403**, by Sen. David Holt, R-Oklahoma City, and Rep. Elise Hall, R-Oklahoma City, modifies the methods by which public bodies must display notices for regularly scheduled meetings. It exempts weekends and holidays. It defines terms.

Chair Jason Murphey, R-Guthrie, presented the legislation on behalf of Hall as she was unable to attend Wednesday's meeting. Murphey explained the bill modernizes open meeting posting requirements to allow for online and email distributed agendas for regular and special meetings of public bodies, such as agency boards.

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Rep. Shane Stone, D-Oklahoma City, took issue with a single aspect of the bill that allows public bodies the option of just posting their meeting agendas online.

"I have a lot of constituents in my district that don't have internet access," he said, arguing the language be changed from an "or" to an "and."

Murphy responded by conceding Stone's concerns were valid, adding the language still requires public postings for meetings. The only difference, he continued, related to agendas.

"That posting requirement still has to be met as a part of that alternative provision," Murphy explained. He elaborated that the alternative method could allow bodies to post more specifics on their website or via email distribution.

"By doing so they could provide a great more detail and information, hopefully including all information given to the board members," he said, adding there was minor potential for paper savings as well.

Stone continued with his line of questioning, arguing the Legislature seems to continually approve mandates on education or agencies at the cost of few sheets of paper.

"Here we're talking about something that's very important which is public access to government," Stone said, once again citing those in his constituency unable to easily access the internet.

"These are some of my most civically engaged constituents," he added.

Murphy said he agreed from transparency standpoint, but argued the change would constitute a mandate on agencies and cause legislators to politicize the issue.

"I've heard those debates over and over again. I am very frustrated by them," Murphy said. "The cost is so inexpensive that this should be a mandate but the minute we do it this bill has a political problem."

Stone reiterated that the Legislature had passed multiple mandates on private citizens over the past session.

"The idea that we would reject a mandate on government for the benefit of private citizens, I simply disagree," Stone argued.

Stone then moved to amend the legislation to require both physical and online copies of agendas be posted. His motion failed on a vote of 2 to 4, with only himself and Rep. Mickey Dollens, D-Oklahoma City, voting aye.

The bill ultimately passed on a vote of 5 to 1.

Two other bills assigned to the committee advanced with minimal discussion and no debate, including:

· **SB0206**, by Sen. Kay Floyd, D-Oklahoma City, and Rep. Dustin Roberts, R-Durant, creates the Task Force on Merit Protection until Dec. 31, 2017 to study and evaluate the feasibility and efficacy of transferring the oversight of the Merit Protection Commission. It states the purpose of the task force in addition to its duties. It provides for task force membership and travel reimbursement. It prohibits compensation for membership. It requires staff support be provided by the Governor's office and both houses of the Legislature. The bill requires the task force to submit a report of its findings and recommendations by Nov. 1, 2017, to the Governor, the Senate President Pro Tempore of the Senate and the House Speaker.

· **SB0245**, by Sen. Nathan Dahm, R-Broken Arrow, and Rep. John Jordan, R-Yukon, requires a virtual charter school approved and sponsored by the Statewide Virtual Charter School Board to maintain a quorum of board members for the entire duration of a board meeting whether using an in-person site, videoconference sites or any combination of such sites to achieve a quorum.

Murphy opted to lay over SB044 as to allow for continued discussion.

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**SB0444** by Sen. Nathan Dahm, R-Broken Arrow, and Rep. Jason Murphey, R-Guthrie, repeals language related to mailings to state employees, which includes the ability of associations to obtain a list of employees from the Office of Management and Enterprise Services.

"I do sense there is probably a preference amongst committee members to give this some deliberation and debate," he explained.

**[LESS]**

### **More than 40 bills win Senate Appropriations Committee approval**

(eCap) More than 40 bills won the approval Wednesday of the Senate Appropriations Committee during a nearly day-long meeting. Among those measures approved was the House version of a teacher pay raise, a bill that would allow municipalities to tap ad valorem taxes to fund police and fire services, and a measure that would allow posting the 10 Commandments in public buildings as a historically significant document.

Sen. J.J. Dossett, D-Sperry, asked Sen. Jason Smalley how the House's "1,2,3" teacher pay raise would be funded. Smalley is the Senate author of **HB1114**, with Rep. Michael Rogers, R-Broken Arrow. The bill increases the minimum salary schedule for teacher, It provides a \$1,000 pay raise during the 2017-18 school year, another \$2,000 raise during the 2018-19 school year and a \$3,000 raise during the 2019-20 school year. The bill specifies who is eligible and what counts toward a teacher's years of service.

"There are various talks taking place on revenue raising measures," Smalley said, but he acknowledged Wednesday he could not say exactly from where the funding would come.

Sen. Mark Allen, R-Spiro, asked why he and other senators were being asked to consider the bill at this point in the session when the Senate Pro Tempore and House Speaker simply could file a bill once a funding mechanism had been identified. Joint Rules allow the pro tempore and speaker to file a bill at anytime.

"This keeps the conversation going and holds our feet to the fire," Smalley said.

In debate on the bill, Allen said approval of the measure Wednesday could create "false hope" among teachers. Dossett went further, saying it was "dangerous" to pass the bill when it might not be funded and finally pass. "If it fails, that would be a blow to teachers," he said.

The bill received a do pass recommendation on a 39 to 3 vote with its title and enacting clause stricken.

Also receiving a do pass recommendation with its title and enacting clause stricken was **HB1374**, by Rep. Weldon Watson, R-Tulsa, and Sen. David Holt, R-Oklahoma City. The bill creates the Oklahoma Public Safety Protection District Act. It allows the governing body of a municipality to raise property taxes as to initiate the creation of a public safety protection district by the adoption of a resolution calling for the question to be placed before registered voters. It sets for the process by which to submit such a question to voters. It provides requires for a public safety protection district. It provides for costs for the aforementioned election. It provides a dissolution process. It defines terms. The amendment eliminates the provision allowing such a resolution be submitted to the voters by way of a special election.

Holt said the bill would allow municipalities to diversify their revenue streams, since they currently rely almost exclusive on sales tax collections, to fund core government services. He noted municipalities would not be able to use ad valorem tax revenues with the approval of a vote of the people.

Sen. Joseph Silk, R-Broken Bow, asked Holt if he knew why municipalities are prohibited from collecting property taxes. Holt said he did not, but added, "Every challenge and concern, I think, is addressed by this very thoughtful legislation."

Holt's candidacy to become Oklahoma City's next mayor also was brought into the discussion. Sen. Wayne Shaw, R-Grove,

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questioned whether it was a conflict of interest for Holt to carry the bill. Holt said it was not since he would not personally benefit from the Legislature and the governor's decision, should she sign the bill.

In debate on the bill, Sen. Joe Newhouse, R-Broken Arrow, expressed his support for the measure, noting it put the final decision in the hands of voters and the revenue would be used to fund core government services.

Sen. Marty Quinn, R-Claremore, opposed the bill. He said local voters were rejecting proposed sales tax increases because "...it has reached the point that they don't want to pay any more sales tax. That's your sign that says, 'I don't want to pay. I have reached my limit.'"

Quinn predicted that local officials who wanted more revenue to spend would work with special interest groups to get the plans approved.

Sen. Joseph Silk, R-Broken Bow, said allowing municipalities to implement an ad valorem tax "is just one more thing for taxpayers to have to watch out for."

Sen. Dave Rader, R-Tulsa, said municipalities would be able to solidify their revenues if the bill became law. "And they don't have to if they don't want to," he said, referring to the requirement that the tax plan be approved by a vote of the people. "If citizens turn it down, they turn it down."

Sen. Dan Newberry, R-Tulsa, said he had concerns about the bill and the current ad valorem tax system. Newberry said current voters should have a right to reverse millages implemented decades ago "by those in the grave." He acknowledged Holt's bill included language that allowed voters to dissolve the tax district. He said he would like to see that extended to other property tax assessments.

Sen. A.J. Griffin, R-Guthrie, noted residents in her district had created a fire protection district allowed under another provision of law. The approximately 35,000 residents, she said, live in an unincorporated area and would have only volunteer firefighter protection if they had not created a special tax district to fund a fire department.

"This lets the people decide what level of protection they want provided for their property," she said.

Sen. Gary Stanislawski, R-Tulsa, said, "Municipalities like to have a stable funding source for core services of government, which this will provide."

Allen, however, said he feared only property owners and not those who lease or rent property would pay the tax.

Closing debate, Holt called the bill "an important step forward for police and fire protection in our state which is a core government service."

The bill passed on a 24 to 17 vote.

**HB2177**  by Rep. John R. Bennett, R-Sallisaw, and Sen. Micheal Bergstrom, R-Adair, received a do pass recommendation with its title and enacting clause stricken. The bill authorizes any county, municipality, city, town, school or any other political subdivision to display, in its public buildings and on its grounds, replicas of historical documents in the form of statues, monuments, memorials, tablets or any other display that respects the dignity and solemnity of such documents. The bill authorizes the Oklahoma Attorney General to prepare and present a legal defense of the display in the event that the legality or constitutionality of any such display is challenged in a court of law.

In particular, Bergstrom said the bill would permit displays of the 10 Commandments and other historical documents. Responding to questions from Dossett and Sen. Kevin Matthews, D-Tulsa, Bergstrom said the United States Supreme Court has ruled the 10 Commandments is a significant historical document and the foundation of many of the country's laws.

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"They are historically significant and because of that should be displayed," he said.

Bergstrom disagreed with suggestions that the bill would allow other religious documents or objects to be displayed, stressing they would need to be historically significant. "The wrapper off a Snickers bar might not be historically significant," he said.

He later added, "Just because something makes a reference to religion does not mean it's not a historical document."

The following bills also received do pass recommendations Wednesday with their titles and enacting clause stricken:

- The committee substitute (CS) for **HB1121**, by Rep. Ryan Martinez, R-Edmond, and Sen. Stephanie Bice, R-Oklahoma City, creates the Oklahoma Integrated Domestic Violence Court Act of 2017. The bill allows any district or municipal court to establish an integrated domestic violence court subject to the availability of funds. The bill defines integrated domestic court to be a specialized judicial process for civil and criminal domestic matters. The bill requires a single judge to preside over the related criminal, family and matrimonial matters. It requires the Administrative Office of the Courts to promulgate rules and ensure statewide uniformity. The committee substitute incorporate changes adopted Tuesday by the Senate Judiciary Committee.
- **HB1123**, by Rep. Scott Biggs, R-Chickasha, and Sen. Bryce Marlatt, R-Woodward, requires that an individual trespassing on property containing critical property be guilty of a misdemeanor. It requires an individual who willfully damages, destroys, vandalizes or tampers with critical infrastructure be guilty of a felony. It requires an organization found to be a conspirator to those committing such crimes pay a fine that is 10 times the amount of an individual. The bill defines related terms.
- **HB1193**, by Rep. Rick West, R-Heavener, and Sen. Roland Pederson, R-Burlington, allows the State Board of Agriculture to designate statewide livestock organizations. The bill defines terms. It allows the board to designate a new organization should the designated organization no longer represent a majority of livestock producers.
- **HB1198**, by Rep. Tommy Hardin, R-Madill, and Simpson, requires the Department of Veterans Affairs to create and maintain a registry of all veterans in the state. It specifies what information is to be included on the registry. The bill requires a Department of Public Safety employee to check the registry before issuing a driver license or identification care to those requesting to be identified as veterans.
- **HB1202**, by Rep. Dennis Ray Casey, R-Morrison and Sen. Marty Quinn, R-Claremore, defines per-pupil expenditure to mean the aggregate current expenditures of school districts from all funding sources. The bill includes categories of expenditures and prohibits current expenditures to include monies used for adult and community education, facilities acquisition and construction services, debt services, property, and other expenditures not related to day-to-day operations.
- CS for **HB1270**, by Rep. Elise Hall, R-Oklahoma City and Sen. James Leewright, R-Bristow, creates the Act to Restore Hope, Opportunity and Prosperity for Everyone. It requires the Oklahoma Health Care Authority and the Department of Human Services (DHS) to verify eligibility information prior to awarding assistance under Medicaid. It allows the information to include, but not limited to, earned and unearned income, employment status and changes in employment, immigration status, residency status, enrollment in other assistance programs, financial resources, incarceration status, death records and information relating to identity fraud and theft. It requires the Authority to sign a memorandum of understanding with any department, agency or division for information detailed therein. It requires the Authority to contract with one or more independent vendors to provide said information. The bill requires such a contract establish annualized savings that exceed the contract's total annual cost to the state. It states that nothing shall preclude the entities from receiving or reviewing additional information related to eligibility. It establishes procedures for receiving information about an individual. It allows the entities to take appropriate action if discrepancies are found. The bill requires applicants to complete an identity authentication process to confirm the applicant owns the identity presented in the application. The bill allows certain information to be shared with the Medicaid fraud control unit of the Office of the Attorney General for suspected fraud. It requires the Authority to promulgate rules. It requires the Authority to publish a written report on May 1, 2018, and annually after, detailing the impact of the legislation. The committee substitute reflects changes made in the Senate Health and Human Services Committee.
- CS for **HB1282**, by Rep. Kevin Wallace, R-Wellston, and Sen. Dan Newberry, R-Tulsa, includes professional structural engineer to the list of professions in which the practice without regulation in the public interest is prohibited. It defines and modifies

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terms. The measure expands the duties of the State Board of Licensure for Professional Engineers and Land Surveyors. The bill requires certain engineers to submit an application and fees for Board consideration as evidence that the applicant is qualified to use certain titles. The bill requires the individuals to have proof of structural engineering experience and education. It sets minimum requirements for individuals to use certain engineering titles and modifies qualifications for licensure. The committee substitute incorporates changes first adopted by the Senate Business, Commerce and Tourism Committee.

- CS for **HB1305**, by Rep. Casey Murdock, R-Felt and Sen. Larry Boggs, R-Wilburton, authorizes boards of county commissioners to issue permits which authorize and regulate the harvesting of hay along the right-of-way of public roads of the county highway system within their respective counties. It requires the applicant for a permit to be informed in writing and to sign a release acknowledging that he or she will assume all risk and liability for hay quality and for any accidents and damages that may occur as a result of the work and that the county and State of Oklahoma assume no liability for the hay quality or for work done by the permittee. It requires any person who stores the harvested hay along the right-of-way for later removal to store the harvested hay at the outer edge of the right-of-way and to remove the harvested hay within two days after harvesting. It grants the owner or the owner's assignee of land abutting the right-of-way priority to receive a permit for their land. It requires the county to charge a permit fee in an amount calculated to defray the costs of administering the program provided that any owner or owner's assignee shall be granted a permit at no cost when harvesting hay on the right-of-way abutting that owner's land. It requires all fees received be remitted to the county treasurer for credit to the county highway fund. It permits counties to establish necessary regulations. The committee substitute previously was adopted by the Senate Agriculture and Wildlife Committee.
- **HB1324**, by Rep. JJ Humphrey, R-Lane, and Shaw, modifies the requirements of presentence investigations for persons convicted of a violent felony offense and increases the range of presentence investigation fee from \$250 to \$500. The bill authorizes a presentence investigation to be made of the offender by a private provider or someone designated by the court. The bill also directs the court to order the defendant to pay to the private provider or court designee assigned to complete the presentence investigation a fee of not less than five dollars nor more than \$500. It allows the court to set the amount of the fee and establish a payment schedule in hardship cases.
- **HB1327**, by Rep. David Perryman, D-Chickasha, and Sen. Nathan Dahm, R-Broken Arrow, extinguishes estate taxes for deaths occurring before January 1, 2010, subsequent to the lapse of 10 years after the date of death of a decedent. It requires that no order exempting estate tax liability be necessary to authorize release of such property or for the title of real property to be marketable.
- **HB1338**, as amended, by Rep. Greg Babinec, R-Cushing, and Sen. Tom Dugger, R-Stillwater, allows inmates 50 years of age or older, medically frail and serving time for a nonviolent offense to request a medical parole review. The amendment makes the notice requirements consistent with other notice requirements of the Pardon and Parole Board.
- CS for **HB1389**, by Rep. John Pfeiffer, R-Mulhall, and Smalley, prohibits any contract for roofing repairs or replacement entered into on behalf of a state agency or political subdivision by the Office of Management and Enterprise Services utilizing an ongoing contracting program through the Roofing Asset Management Program or a successor program authorized by statute or agency rule from exceeding \$50,000. The Senate Appropriations Subcommittee on General Government and Transportation originally adopted the committee substitute.
- CS for **HB1427**, by Rep. Kyle Hilbert, R-Depew and Sen. James Leewright, R-Bristow, creates the Out-of-State Tax Collections Enforcement Act of 2017. It requires the Tax Commission to establish one field office in a state other than Oklahoma for the purpose of collecting taxes owed to the state. It allows the Commission to maintain a full time employee and not less than five out-of-state tax auditors. The committee substitute originally was adopted by the Senate Appropriations Subcommittee on Finance.
- CS for **HB1431**, by Rep. Kyle Hilbert, R-Depew, and Sen. Roland Pederson, R-Burlington, modifies language relating to the Oklahoma Sorghum Resources Act. It updates references to the Oklahoma Department of agriculture, Food and Forestry. It deletes references to initial election of the Oklahoma Sorghum Commission. The measure directs the Agricultural Extension of Oklahoma State University to designate referendum locations. Changes in the committee substitute were adopted originally by the Senate Agriculture and Wildlife Committee.

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- CS for **HB1459**, by Rep. Jon Echols, R-Oklahoma City, and Sen. A J Griffin, R-Guthrie, provides an exemption for students in out-of-home placement with the Department of Human Services who were adopted while in the permanent custody of DHS or who was in out-of-home placement with the Office of Juvenile Affairs for eligibility under the Lindsey Nicole Henry Scholarship. The Senate Education Committee first adopted the committee substitute.
- CS for **HB1465**, by Rep. Jon Echols, R-Oklahoma City, and Sen. Nathan Dahm, R-Broken Arrow, creates a biometric exemption to the Real ID Act. The committee sub originally was adopted by the Senate Appropriations Subcommittee on Public Safety and the Judiciary.
- CS for **HB1515**, by Rep. Josh Cockroft, R-Tecumseh, and Bice, allows the owner of a vehicle which is required to be registered by the provisions therein to renew the vehicle registration annually to account for two years or have the vehicle registration renewed at the owner's discretion with provided criteria. It includes an optional, increased \$25 fee structure related to tag renewal. The committee substitute's changes were adopted originally by the Senate Appropriations Subcommittee on Finance.
- CS for **HB1519**, by Cockroft and Smalley, creates the Oklahoma Homebuyers Savings Account Act. It defines terms used therein. The bill allows any individual to open an account with a financial institution and designate the account, in its entirety, as a homebuyer savings account to be used to pay or reimburse a qualified beneficiary's eligible costs for the purchase of a single-family residence in Oklahoma. It requires an account holder to designate a homebuyer as the qualified beneficiary of the homebuyer savings account no later than April 15 of the year following the tax year during which the account is established. It allows an account holder to designate themselves as the qualified beneficiary and change the designated qualified beneficiary at any time. It allows an individual to jointly own a homebuyer savings account with another person if the joint account holders file a joint income tax return. It allows an individual to be the account holder of more than one homebuyer savings account. It allows an individual to be designated as the qualified beneficiary on more than one homebuyer savings account. It limits only cash and marketable securities to be contributed to a homebuyer savings account. It specifies the responsibilities and duties of the account holder. It provides exemptions to financial institutions. It specifies liabilities and responsibilities financial institutions are free from. It provides listed deductions for certain taxable income. It prohibits any person other than the account holder who deposits funds in a homebuyer savings account from being entitled to the deductions and exclusions provided therein. It requires the deductions and exclusions from taxable income provided for therein apply to any alternative basis for calculating taxable income for state income tax purposes. The bill requires the Oklahoma Tax Commission to prepare and distribute informational materials on the Oklahoma Homebuyer Savings Account program to financial institutions and potential homebuyers to publicize the availability of the program. It allows any individual to open an account with a financial institution and designate the account, in its entirety, as a homebuyer savings account to be used to pay or reimburse a qualified beneficiary's eligible costs for the purchase of a single-family residence in Oklahoma beginning July 1, 2017. The committee's subcommittee on finance adopted the changes reflected in the committee sub.
- CS for **HB1532**, by Rep. John Montgomery, R-Lawton, and Sen. Roger Thompson, R-Okemah, allows evaluation criteria for the Incentive Evaluation Act developed to now include requirements for analysis of the salaries and other forms of compensation paid to employees of the business entity which benefits from an incentive. It allows the information to include salary ranges for the employees of the business entity and may separately identify other forms of compensation for the employees of the business entity. It allows the evaluation criteria to include the number of jobs either created or retained as a result of the incentive and a computation of the average salary paid to employees whose jobs were either created or retained as a result of the incentive. The committee's subcommittee on finance adopted the changes reflected in the committee sub.

- CS for **HB1572**, by Rep. Marcus McEntire, R-Duncan, and Smalley, removes the authority of the Workers' Compensation Commission to contract with an appropriate state governmental entity, insurance carrier or approved service organization to process, investigate and pay valid claims against an impaired self-insurer which fails, due to insolvency or otherwise, to pay its workers' compensation obligations, charges for which are required to be paid from the proceeds of security posted with the Commission. The bill updates statutory references. The bill removes the requirement that rules must be approved by the Insurance Department concerning employers' satisfactory proof of their ability to pay claims. It reduces the amount of the balance of the Self-Insured Guaranty Fund at which the commission must implement an assessment and increases the amount of the assessment. It modifies procedures when the commission determines a self-insurer has become an impaired self-insurer. The Senate Appropriations Subcommittee on Public Safety and the Judiciary made the changes reflected in the committee substitute.

· **HB1578**, by Rep. Chad Caldwell, R-Enid, and Stanislawski, creates the School Finance Review Commission Act. It creates the School Finance Review Commission. It provides for membership. It provides a January 1, 2025 Sunset. It sets about responsibilities and goals of the Commission in reviewing all matter related to school finance. It requires the Commission for Educational Quality and Accountability provide staff and administrative support to the Commission. It requires the State Department of Education to aid either commission in providing necessary staff and administrative support. It requires the Commission submit its findings annually to the Governor, President Pro Tempore and the Speaker until its sunset.

· **HB1583**, by Rep. Chad Caldwell, R-Enid, and Sen. Kyle Loveless, R-Oklahoma City, consolidates the Office of the State Bond Advisor into the Office of the State Treasurer. It accounts for the transfer in relation to funds and records. The bill transfers the Bond Oversight Revolving Fund to the State Treasurer. It repeals language related to the fund. The bill provides for disclosure to be made by any public service provider for the direction of any and all direct financial contribution which exceed \$5,000 on a cumulative basis to any nonprofit organization. It provides a similar procedure for contributions exceeding \$100 on a cumulative basis to any elected officials or employees of a State or Local Governmental Entity to which financial services are to be provided in connection with issuance of debt obligations or contributions made to any individuals associated with a nonprofit. It provides when this disclosure must be filed.

· **HB1670**, by Rep. Todd Thomsen, R-Ada and Sen. Greg McCortney, R-Ada, increases the fee amount to be paid to the court for traffic offenses from \$9 to \$10, which would go to the Council on Law Enforcement Education and Training (CLEET).

· **HB1681**, by Rep. Harold Wright, R-Weatherford, and Sen. Eddie Fields, R-Wynona, requires the Aeronautics Commission to administer an airport inspection program for all public use airports and provide a written report to each airport detailing findings of the inspection.

· **HB1683**, by Wright and Sen. Darcy Jech, R-Kingfisher, expands eligibility for cameras to be furnished to a motor license agent to include individuals located in a municipality with a population greater than 500 and located 15 miles or more from any other motor license agency.

· **HB1693**, by Rep. Scott Martin, R-Norman and Stanislawski, allows the State Department of Education to develop and adopt an alternate system of accountability for statewide virtual charter school and schools serving only prekindergarten through second grade. It establishes a multi-measures approach in accordance with the Elementary and Secondary Education Act of 1965 and establishes guideline. It deletes language relating to prior assessment guidelines

· CS for **HB1694**, by Rep. Scott Martin, R-Norman, and Stanislawski, modifies provision of information to be included in the personal financial literacy education course taught in public schools. It requires the course to be taught during grades seven through 12 before the 2019-2020 school year and from grade nine to 12 thereafter. The Senate Education Committee first adopted the committee substitute.

· **HB1703**, by Rep. Kevin Calvey, R-Oklahoma City, and Sen. Greg Treat, R-Oklahoma City, creates the Choosing Childbirth Act which requires the State Department of Health to make grants to a grant-supervising entity for the purpose of reimbursing private organizations in Oklahoma for the expense of programs providing nonprofit, pro-life organizations. It requires the Department to monitor the organizations to ensure grant money is spent in certain ways. It requires the Act to be implemented when funds become available.

· **HB1795**, by Rep. Kevin McDugle, R-Broken Arrow, and Jech, makes the position of one Fire Protection Consultant of the Office of the State Fire Marshal an unclassified position.

· **HB1833**, as amended, by Rep. Mike Sanders, R-Kingfisher, and Sen. A J Griffin, R-Guthrie, dedicates a portion of the Insurance Premium Tax to the State Fire Marshal's Office, making it a non-appropriated agency. It also transfers, the duties, responsibilities and equipment of the Oklahoma Council on Firefighter Training and transfers its duties and equipment to the State Fire Marshal. It creates an advisory committee. The amendment clarifies that revenue from the Insurance Premium Tax will be deposited in the office's revolving fund.



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· **HB1837**, by Rep. Leslie Osborn, R-Mustang, and Sen. Kimberly David, R-Porter, requires the first \$50 million of net revenue from the lottery be transferred to the Oklahoma Education Lottery Trust Fund. It requires net proceeds in excess of \$50 million be appropriated by the Legislature on a cash basis to be allocated by the State Department of Education to public schools based on the audited end-of-year average daily membership in grades PK-12 during the preceding school year for the purpose of implementing prekindergarten-through-third-grade reading intervention initiatives or science, technology, engineering and math (STEM) programs. It requires the Oklahoma Lottery Commission to submit a written report of its findings and any recommendations regarding the impact of having the net proceeds minimum requirement set at a fixed dollar amount to the Governor, House Speaker and Senate President Pro Tempore not later than October 1, 2019, and annually thereafter. It limits the annual maximum percentage for administrative costs, not including marketing and advertising costs, funds set aside for prizes, commissions paid to retailers, contract fees paid to gaming system vendors and instant ticket providers or emergency-related capital expenses, to no more than 3.0 percent of sales.

· **HB1839**, by Osborn and David, modifies references to taxable years for tax credits for aerospace engineers.

· **HB1842**, by Osborn and Sen. Eddie Fields, R-Wynona, creates a penalty for failing to pay the wrecker or towing services assessment by the due date established by the Corporation Commission and will result in an additional penalty of 25 percent per vehicle. It allows the Transportation Division Director, or designee, to waive the penalty for good cause shown. It requires annual budgetary limits stay in effect unless superseded by action of the Legislature.

· CS for **HB1856**, by Osborn and Bice, creates the Task Force for the Study of the Oklahoma Tax Code and establishes purpose and membership. The bill requires the task force to produce a final written report of its findings and any recommendations regarding changes to the Tax Code. It requires the report be submitted to the Governor, the President Pro Tempore of the State Senate and to the Speaker of the Oklahoma House of Representatives not later than December 1, 2018. It makes the Task Force subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act. The bill provides that staff assistance for the Task Force will come from the Oklahoma Tax Commission, Oklahoma State Senate and Oklahoma House of Representatives. The Senate Appropriations Subcommittee on Finance originally adopted the committee substitute.

· **HB1860**, by Osborn and Fields, provides budgetary limits for the Corporations Commission's Public Utility Division will stay in effect until superseded by further action of the Legislature.

· CS for **HB1868**, by Rep. Jason Dunnington, D-Oklahoma City and Sen. Roger Thompson, R-Okemah, requires any state employee earning less than \$30,000 annually to receive overtime pay, instead of compensatory time, for all hours worked over 40 hours a week beginning November 1, 2017. The committee substitute removed language from the bill that would have required any state employee earning less than \$35,000 annually to also receive overtime pay, instead of compensatory time for all hours worked over 40 hours a week beginning January 1, 2018 and all employees earning \$40,000 annually to receive overtime pay for all hours worked over 40 hours a week beginning January 1, 2019.

· **HB2301**, by Rep. Charles McCall, R-Atoka, and Simpson, exempts the first \$25,000 compensation directly related to the practice of medicine or osteopathic medicine from taxable income for a qualifying doctor in a rural area of the state. It provides exemptions.

· **HB2131**, by Rep. Jon Echols, R-Oklahoma City, and Sen. Greg Treat, R-Oklahoma City, creates the Oklahoma Tourism Development Act. The bill requires the Executive Director of the Oklahoma Tourism and Recreation Department to establish standards for making of applications and inducements to eligible companies and their tourism attraction projects by the promulgation of rules in accordance with the Administrative Procedures Act. It requires the Director to make inquiries and request material of the applicant that include provided data. It requires the Director to engage the services of a competent consulting firm which will submit to the Director for a tourism attraction project a report analyzing the provided data to determine certain information. It requires the eligible company cover costs for the report and cooperate with the consultant. It requires the Director establish standards for preliminary approval and final approval of eligible companies and their projects. It allows the Director to give preliminary approval to such a company. It requires the Director to review the report of the consultant and other information made available to the Director as to assist the Director to determine whether said attraction will further the provisions therein. It allows the Director to enter into an agreement with an approved company for such a project upon the granting of final approval. It provides for the terms and provisions of such an agreement. It prohibits such an agreement from being transferable or assignable

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by the approved company without the written consent of the Director. It requires that if the approved company utilizes inducements which are subsequently disallowed then the approved company will be liable for the payment to the Tax Commission of all taxes resulting from the disallowance of the inducements plus applicable penalties and interest. It requires the Director to provide a copy of each agreement entered into with an approved company to the Tax Commission. It requires the Tax Commission provide the company with forms and instructions as necessary to claim those inducements. It requires a company with an agreement that provides it expend approved costs of more than \$500,000 for a tourism attraction project but less than \$1,000,000 be entitled to a sales tax credit if said company certifies to the Tax Commission that it has expended at least the minimum amount in approved costs. It provides procedures for the issuance of a tax credit memorandum by the Tax Commission. It sets criteria for said sales tax credit. It offers the same provisions regarding a tax credit for such a company to expend approved costs in excess of \$1,000,000. It requires the Tax Commission require proof of expenditures prior to the issuance of a tax credit memorandum to such an approved company. It sets limits to such a tax credit memorandum. It requires the approved company have no obligation to refund or otherwise return any amount of this credit to the person from whom the sales tax was collected. It requires the Tax Commission to promulgate rules for the proper administration of the Act. It allows the Commission to develop forms and instructions as necessary for the claiming the sales tax credit provided therein. It authorizes the Tax Commission to obtain any information necessary from the approved company and Director to verify that approved companies have received the proper amounts of tax credits as authorized therein. It prohibits any sales tax credit authorized therein be granted on or after January 1, 2021, unless provided otherwise.

- **HB2157**, by Rep. Jadine Nollan, R-Sand Springs, and Smalley, deletes language modifying the type of retention pay that is not included on the total compensation of teachers.
- **HB2209**, by Rep. Marcus McEntire, R-Duncan, and Griffin, requires the Oklahoma Tax Commission to prepare an incidence impact analysis of a bill or a proposal to change the tax system which increases, decreases, or redistributes taxes by more than \$20 million upon the request of the Chair of the House Appropriations and Budget Committee Subcommittee on Finance or the Senate Finance Committee. It provides for information to be included in the report. It requires the incidence analyses to use the broadest measure of economic income for which reliable data is available.
- CS for **HB2253**, by Rep. David Brumbaugh, R-Broken Arrow and Fields, modifies definitions and provisions related to exemptions for aircraft excise taxes. The committee substitute excludes from the charter exemption those flights chartered by the aircraft owner as an individual or as a business entity in which the aircraft owner owns a majority interest
- **HB2276**, by Rep. Terry O'Donnell, R-Catoosa and Treat, modifies the exceptions to the Oklahoma Consumer Protection Act.
- **HB2284**, by O'Donnell and Treat, requires a board of county commissioners, along with the office of the public defender, to provide and coordinate training and continuing legal education for attorneys employed by the office of the public defender. It provides requirements for the training curriculum. It requires the office of the county indigent defender to provide and coordinate training and continuing legal education for attorneys within the office. It requires training to include nationally recognized defense seminars as well as behavioral health and treatment needs of defendants. It modifies the training and continuing legal education required for district attorneys and their assistants. It modifies the annual domestic violence education training for judiciary members provided by the Administrative Office of the Courts.
- **HB2286**, by O'Donnell and Treat, states the legislative intent in relation to the Pardon and Parole Board. It requires any person in the custody of the Department of Corrections must serve one-fourth of the sentence before the application of earned credits or any other type of credits, such that no credits shall have the effect of reducing the length of the sentence to less than one-fourth of the sentence imposed for crimes committed on or after July 1, 2017. The bill modifies eligibility requirements for Board members. It requires the Board to include an administrative parole dock to each district attorney in the state. The bill modifies parole eligibility for persons in the Department's custody for a crime committed on or after July 1, 2017. It requires the Board to state on the record reasons for denying parole. It requires the Board to suggest a course of remediation for an inmate convicted of certain crimes outline therein if the inmate is denied parole. The bill requires the Board to consider provided information when determining the suitability of an inmate for parole. The bill requires a person in the custody of the Department whose parole consideration date is calculated therein, and is not serving a sentence of life imprisonment without parole or who is not convicted of an offense designated as a violent offense be eligible for administrative parole. It provides for administrative parole to be granted without a hearing if certain criteria is met. It provides procedures if such a person is granted parole. The bill

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requires parole eligibility for inmates described therein who is at least 50 years of age and has served at least ten years of their sentence. It provides exemptions. It requires programming and treatment ordered as conditions or stipulations for parole to be evidence-based. It requires the Department of Mental Health and Substance Abuse Services to establish standards to ensure treatment provided to people involved in the criminal justice system as a component of their supervision plan or as part of any court-imposed sanction adheres to scientific research on recidivism reduction. It requires the Department to require that all public and private treatment programs meet these standards therein. It provides procedures for parole revocation. It modifies definitions to terms used therein. It modifies qualifications to the Electronic Monitoring Program. It modifies the conditions of the program. It provides the duties of the Department upon receiving an offender on parole. It requires the Department to have the authority to implement additional supervision requirements provided therein. The bill requires every offender on felony probation be eligible to earn discharge credits for compliance with the terms and conditions of probation supervision to reduce the term of supervision and the overall term of the sentence. It provides exemptions. It requires every provider responsible for the supervision of felony probationers, including the Department of Corrections, district attorneys and private supervision providers, to develop written policies and procedures necessary for the implementation of earned discharge credits for offenders on felony probation supervision. It requires every provider responsible for the supervision of felony probationers, including the Department of Corrections, district attorneys and private supervision providers, to maintain a record of credits earned by an offender. It requires every offender on parole supervision be eligible to earn discharge credits for compliance with the terms and conditions of parole supervision that reduce the offender's term of supervision. It directs the Department of Corrections to develop a written policy, a procedure for the implementation of earned discharge credits and a record of credits earned by offenders. It allows the Department of Corrections to issue a certificate of rehabilitation to any person who meets the eligibility requirements. It provides requirements for the certification. It requires annual training for all parole and probation officers. It provides requirements for the training. It modifies the duties for supervising agencies upon receiving an offender on probation supervision. It requires the Department of Corrections to develop a matrix of sanctions and incentives to address behavior committed by parolees who are being supervised by the Department. It authorizes the Department to use a graduated response process based on the matrix to apply to any technical violations of the terms and conditions of parole. It requires the Department of Corrections to establish procedures to hear responses to technical violations and review sanction plans. It modifies the definition of the term "violent crimes." The bill prohibits an individual from parole consideration if serving a sentence for a felony sex offense required to register to the Sex Offenders Registration Act, a sentence of death or life without the possibility of parole, or convicted of a crime which requires service of minimum percentage of sentence.

· **HB2306**, by Rep. Charles McCall, R-Atoka and Smalley, adds a \$25 fee for issuing a subpoena for each person and a \$25 fee for motions to enter.

· CS for **HB2311**, by Rep. Charles McCall, R-Atoka and Sen. Mike Schulz, R-Altus, creates the Agency Spending Review Act and the Agency Spending Review Commission. It provides for appointments to the commission. It requires the Legislative Services Bureau to provide staff and administrative support. It requires the commission to conduct an audit of the spending of government agencies in order to identify opportunities for savings at least once every four years. It requires the commission to issue a report on the status of implementation of these recommendations. It allows the commission to contract with a private company, nonprofit or academic institution to assist with the spending audits. It provides for bids and their acceptance. It provides for information to be collected and included in said report.

**[LESS]**

### **House passes two bills, adopts resolutions**

(eCap) A bill allowing a higher education institution to sue a third party for causing it to incur sanctions by its governing authority passed the House floor and will head to the governor's desk.

**SB0425**, by Sen. John Sparks, D-Norman, and Rep. Chris Kannady, R-Oklahoma City, requires any public or private institution of higher education that is a member of a governing authority to have a cause of action against a third party who engages or conspires with another to engage in conduct in violation of the rules of the governing authority that causes the educational institution to incur sanctions by the governing authority or other economic penalties or losses. It allows said educational institution

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to recover damages in the amount of the sanctions, penalties or economic losses incurred as a result of the conduct of the third party, and reasonable attorney fees and costs.

Reps. David Perryman, D-Chickasha, and Shane Stone, D-Oklahoma City, shared their concerns about the bill's broad language. Kannady said, "We're all at risk at being sued for anything." He expressed his confidence in judges.

Stone said because the bill does not include exceptions for those that can be sued it puts all individuals at risk.

Rep. Claudia Griffith, D-Norman, asked Kannady if the bill was introduced because of a situation years ago in which a quarterback for the University of Oklahoma football team was paid an exorbitant amount of money, causing the university to be sanctioned.

Kannady said the bill would allow the third party, in this example a car dealership, at fault for causing those sanctions to the university could be sued.

The bill passed 92 to 3.

The following bill passed: **SB0424**, as amended, by Sparks and Kannady, allows interrogatories, the request to produce or permit inspection or copying or a request for admission to be served upon or by any party after the filing of an answer. It allows the aforementioned to be served and answered prior to the filing of an answer upon leave of court or otherwise agreed to in writing. The bill passed 98 to 0. The amendment fixes a scrivener's error.

The following resolutions were adopted:

- **HR1013**, as amended, by Rep. Leslie Osborn, R-Mustang, commends the Oklahoma State University Center for Health Sciences Project ECHO and declares April 12, 2017 Rural Health Care Day at the Oklahoma State Capitol. The amendment fixes a typographical error.
- **HCR1006**, by Rep. Travis Dunlap, R-Bartlesville, states the Legislature recognizes the public health crisis created by pornography and that the Legislature recognizes the need for education, prevention, research and policy change at the community and societal level in order to address the epidemic that is harming the people of the state and country as a whole.

The House will reconvene Thursday at 9 a.m.

**[LESS]**

### **House judiciary committee passes criminal justice reform measures**

(eCap) The House Judiciary- Criminal Justice and Corrections Committee passed a series of bills Wednesday based on recommendations from Gov. Mary Fallin's Criminal Justice Reform Task Force.

One bill in particular received a series of questions from the committee Vice Chair Rande Worthen, R-Lawton, who subsequently voted against two of the four reform measures.

The bills, which all received do pass recommendations from the committee, include:

- **SB0603**, with title and enacting clause stricken, by Sen. Greg Treat, R-Oklahoma City and Rep. Terry O'Donnell, R-Catoosa, modifies language related to the requirement that the Department of Corrections administer a needs and risk assessment for offenders. It requires the assessment include mental health and substance abuse screens. It exempts for any inmate who had a risk and needs assessment administered by personnel certified by the Department of Mental Health and Substance Abuse Services within six months of being sentenced to the custody of the Department of Corrections. It requires the department to develop an individualized case plan based on the results of the assessment to guide an inmate's rehabilitation while in the Department's custody in order to reduce the likelihood of recidivism. It establishes requirements for the case plan.



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· **SB0649**, as amended with title stricken, by Sen. Greg Treat, R-Oklahoma City and Rep. Terry O'Donnell, R-Catoosa, prohibits a previous conviction for possession of a controlled dangerous substance or the equivalent law for possession of a controlled dangerous substance from any other jurisdiction may not be used to enhance certain punishments. It also establishes certain sentencing requirements. The amendment removes language relating to punishment for individuals charged with multiple felony convictions.

· **SB0689**, as amended, with enacting clause stricken, by Sen. Greg Treat, R-Oklahoma City and Rep. Terry O'Donnell, R-Catoosa, makes an offender sentenced to life without parole for an offense other than a violent crime who has served at least 10 years of the sentence in the custody of the Department of Corrections eligible for a modification of the sentence by the judge who originally imposed the sentence or revocation of probation or, if the sentencing judge is unavailable, another judge in the judicial district in which the sentence was rendered. It permits the court to modify the sentence upon a finding that the best interests of the public will not be jeopardized. It moves the requirement for the implementation of procedures and rules for methods of establishing payment plans of fines, costs, fees, and assessments by indigents from the Court of Criminal Appeals to the Supreme Court. It requires they be based on income. It requires court to waive outstanding fines, court costs and fees if the offender has secured admission to and is enrolled in a state higher education institution, a technology center school or a workforce training program intended to expand further employment opportunities based on the equivalent value of the potential gross income of the offender as established by the minimum wage rate of the state upon the offender's completion of each 40- hour work week. It requires the Supreme Court to establish a pilot financial obligation payment program, to last for a minimum of three years, with programs in at least one rural district and one urban district to determine whether offenders can make consistent payments of their court-ordered financial obligations for two years in exchange for a waiver of the remaining fines, fees and court costs. It establishes requirements for the program. It modifies certain definition. The bill adds specialized caseloads for repeat offenders, offenders with convictions for sex crimes, offenders with conviction for domestic violence offenses and offenders with diagnosed mental health needs to the types of varying levels of supervision by the Department of Corrections probation officers or another qualified supervision source and cognitive behavioral treatment and any other programming or treatment needs as identified based on the results of the risk and needs assessment in community sentencing programs. The bill limits the use of the LSI or other assessment to determine the appropriate sentence to be imposed that does not include incarceration and it prohibits use of the LSI or another assessment to impose a period of incarceration. It establishes requirements for community sentencing system administrators. It requires certain assessment for batterers. It requires the court to ensure that all supervision providers that supervise persons use the sanctions and incentives process established by statute in order to respond to probationer behavior. It requires every person on probation supervision, except a person convicted of certain violent offenses, be eligible to earn discharge credits that reduce the period of supervision and the term of sentence of the person for compliance with the terms and conditions of supervision. It permits any person who has been ordered by the court to pay a fine, court cost, fee or assessment or any combination to request a hearing to establish a payment plan to be determined by assessing the discretionary income of the person. It establishes criteria for making the determination. It reduces from 20 days to 10 days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant for a hearing on a petition setting forth the grounds for such revocation is filed by the district attorney with the clerk of the sentencing court and competent evidence justifying the revocation of the suspended sentence. It grants a district attorney 60 days from the date of the application for revocation to file a petition if the alleged violation is for technical violation of the terms and conditions of probation. It permits a probation officer to recommend revocation of an offender's probation to a hearing officer of the Department of Corrections or an appropriate supervising authority if the severity of the violation warrants or the graduated use of sanctions has been exhausted and the noncompliant behavior has continued. It establishes the failure of an offender to pay fines and costs, excluding restitution, may not serve as a basis for revocation, absent a finding by the probation officer of willful nonpayment by the offender. It clarifies various language. The amendment requires the court to provide notice of the hearing prior to a sentence modification and requires a notice to be given to the victim or representative of the victim and all for an opportunity for the victim to provide testimony at the hearing.

· CS to **SB0786**, with title and enacting clause stricken, as amended, by Treat and Ben Loring, D-Miami, provides that every person who breaks and enters on any commercial or residential property or any room, booth, tent, railroad car, automobile, truck, trailer, outbuilding or vessel of another, in which any property is kept, with intent to steal any property therein or to commit any felony, is guilty of burglary in the third degree. The bill establishes a penalty for burglary in the third degree. The committee substitute includes outbuilding to the list of third degree burglary places.

Worthen asked about SB0649 in particular, pointing out that O'Donnell, while he was the House member assigned to Fallin's task

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force, has "no practice...on the criminal side."

"That's absolutely true. I've never tried a criminal case," said O'Donnell.

Worthen asked O'Donnell a series of "would you agree" questions to convey concern with the bill's current language. He pointed specifically to a provision in which an individual charged with removing an ankle bracelet would receive a maximum of two years in prison for the first offense and only 2.5 years maximum for subsequent offenses.

Currently, statute allows for up to life for subsequent offenses for removing an ankle bracelet with prior felony convictions.

"It gives the jury or the court a wide range of punishment depending on whatever those individuals feel would be appropriate, would you agree?" asked Worthen. "Do you see a problem with the fact that a first time offender would get two years and a person who has multiple felony convictions would get an extra six months?"

O'Donnell said he shares this concern with Worthen, as the idea behind the series of reform bills "is to have more people out on supervision," though he reminded members that the bill deals specifically with non-violent crimes.

Rep. Tim Downing, R-Purcell, questioned O'Donnell on the exact provisions and intent with including certain non-violent crimes, which he and others feel shouldn't be classified as such. Downing asked whether the Senate understood the full scope of what's included in the bill, as they passed it unanimously with few questions and no debate.

"The way the bill went through the Senate unanimously it actually (includes) someone with a prior violent offense," he said. "You can have five prior violent offenses...and still qualify for this reduced sentencing."

O'Donnell said he was unaware of issues with the bill until members of the committee brought it up to him.

"When it got over here members of this committee brought to my attention very serious concerns, and I appreciate that...we want to put out the best product we could possibly put out," he said.

The bill received a do pass recommendation from the committee with a 6 to 4 vote.

In a moment of personal privilege after all bills were heard, Downing took time to speak on the outside influence affecting the criminal justice reform measures, saying, "A lot of them have no idea what they're talking about because they've never had a background in this."

These influences, he said, have "trash talked" him and other members of the Legislature without diving into the details of the measures.

"My actions today were in spite of those groups," he said. "I've been threatened personally; some of these groups are ruthless and my family has felt threatened through this process."

Chair Scott Biggs, R-Chickasha, thanked Downing for his statement and said he "stands right there with (him)."

Rep. Corey Williams, D-Stillwater, also took a moment to address the committee, encouraging members to study the empirical evidence of the state's current public safety and criminal justice laws.

"We haven't done anything to move the dial. The only thing we have done is increase the prison population and cost our taxpayers a lot of money," he said. "What we haven't done is protect the kids. What we haven't done is stop the crime from happening."

[Editor's Note: See related story, Criminal justice reform bills dually-assigned, also pass House Public Safety Committee]

The following bills also passed:

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· CS to **SB0217**, by Sen. A J Griffin, R-Guthrie, and Rep. Mike Osburn, R-Edmond, requires the court on the day of pronouncing the judgment and sentence of a person who will be subject to the provisions of the Sex Offenders Registration Act, received a suspended sentence or any probationary term, including a deferred sentence, to order the offender to report to the local law enforcement authority in the municipality or county in which the offender resides and to report to the Oklahoma Department of Corrections probation and parole office in the district in which the offender resides. It requires the court clerk to transmit to the Sex and Violent Offenders Registration Unit of the Department of Corrections by facsimile, electronic mail or actual delivery of a certified copy of the judgment and sentence or plea paperwork, Summary of Facts and Sentence on Plea or Sentencing After Jury Trial Summary of Facts within three business days after the court orders the judgment and sentence. It clarifies language related to the requirement that the Department of Corrections conduct address verification every ninety 90 days if the offender has been determined to be a habitual or aggravated sex offender by the Department of Corrections or has been assigned a level assignment of three. It requires an offender to continue to comply with the reporting requirements the absence of receipt of the mailed verification form. The bill modifies reporting requirements between local law enforcement agencies and the Department of Corrections. It makes reporting as required as a violation of the Sex Offenders Registration Act. It requires any person subject to the provisions of the Sex Offenders Registration Act who resides with a minor child as the parent, stepparent or grandparent of the minor child, provided the minor child was not the victim of the offense for which the person is required to register, to provide to the Department of Human Services, within three days of intent to reside with a minor child, the name and date of birth of any and all minor children residing in the same household. The committee substitute restores stricken language relating to sex offender level assignments.

· CS to **SB0252**, by Griffin and Osburn, modifies the definition of victim impact panel programs. The committee substitute restores the bill's title.

· **SB0273**, by Sen. Jason Smalley, R-Stroud, and Rep. Scott Biggs, R-Chickasha, modifies the law to include persons like a subcontractor or employee of a subcontractor of the contractor of a state or federal government, a county, a municipality or a political subdivision of this state to the definitions of forcible sodomy, rape and sexual battery.

· **SB0377**, with enacting clause stricken, by Sen. Josh Brecheen, R-Coalgate, and Rep. JJ Humphrey, R-Lane, permits the court, when an offender convicted of a nonviolent offense is sentenced to the Department of Corrections and the offender is detained in a county jail as a result of the reception-scheduling procedure of the Department of Corrections and upon application of the offender and upon consent of the district attorney and sheriff, to order the offender to be confined in their home or other suitable location and be supervised by electronic monitoring administered by the county sheriff in which the conviction occurred, provided, the sheriff has the capacity to electronically monitor the offender 24 hours per day, seven days per week with real time monitoring that immediately notifies the sheriff or their designee of a violation of the confinement order. It permits the sheriff to contract for electronic monitoring with a private vendor. It requires the court to designate the specific locations and rules of confinement. It permits the court to revoke the monitoring for violations of the order or if the court determines the offender is or has become a safety or escape risk. It establishes responsibilities of the offender during electronic monitoring. It exempts certain offenders from eligibility for electronic monitoring. It requires the Department of Corrections to reimburse the county \$20 per day for each offender on electronic monitoring in lieu of other payments. It requires the proceeds be used to defray expenses of equipping and maintaining the jail, payment of personnel, and expenses relating to monitoring inmates who are on electronic monitoring while awaiting transfer to DOC.

· CS to **SB0650**, with title and enacting clause stricken, by Sen. Wayne Shaw, R-Grove and Rep. Ben Loring, D-Miami, modifies availability for persons authorized to file a motion for expungement by minimizing time limits for those convicted of a nonviolent felony offense from in the last 15 years to seven. It allows the petition to be made five years after the felony conviction has passed. It modifies the time period for those convicted of violent crimes from 20 years to 10 years after the conviction has passed. The committee substitute removes the ability for violent offenders to be eligible for expungement. The amendment allows for victims to testify when the convicted individual is eligible for expungement.

· CS to **SB0692**, by Sen. A J Griffin, R-Guthrie, and Rep. Leslie Osborn, R-Mustang, allows a statement made by a vulnerable or incapacitated person which describes an act of financial exploitation or violent act be admissible in criminal and juvenile proceedings in the courts under certain circumstances. It requires the party to make known to the adverse party an intention to offer the statement with an opportunity to prepare to answer the statement in order for the statement to be admissible. The

committee substitute replaced the bill's previous language.

The following bills were laid over:

- **SB0609**, by Treat and O'Donnell, R-Catoosa, requires the Attorney General to adopt rules and standards for certification of victim assistance professionals based on guidelines for the National Advocate Credentialing Program Consortium and establishes guideline for certification.
- **SB0340**, by Holt and Hall, allows the municipal judge to direct a defendant to perform community service at a rate of not less than the current federal minimum wage for any person convicted of violating any ordinance of a city and sentenced to pay a fine and costs and is without the means to do so.
- **SB0363**, by Holt and O'Donnell, R-Catoosa, allows a person not eligible for pretrial release to be released upon order of a special judge under conditions prescribed by the judge.

**[LESS]**

## **House Elections approves five bills**

(eCap) A bill seeking to recover the state's cost of consumables in local elections received a do pass recommendation Wednesday from the House Elections and Ethics Committee.

The CS to **SB0146**, by Sen. Eddie Fields, R-Wynona, and Rep. Todd Russ, R-Cordell, modifies election costs paid from state funds. It prohibits the State Election Board from subsidizing the costs of elections called by counties, municipalities, school districts or other governmental entities. The bill requires the Board be reimbursed for expenses listed therein incurred to conduct such an election. It prohibits the Board from being reimbursed for election programming and ballot generation for elections held concurrently with a regularly scheduled federal or state election. It prohibits the Board from being reimbursed for expenses related to the training of precinct officials or county election boards, procedural support and oversight of county election boards or salary and benefits of the county election board secretary. It requires the Secretary of the State Election Board to create a document defining the expenses to be provided to each county election board. It establishes a rate of reimbursement.

Russ said the bill is a work in progress. Secretary of the State Election Board Paul Ziriax said that while the dollar amount of consumables is likely small, though yet to be determined, there are questions as to the legality of using state funds to subsidize the cost of local elections.

"I have concerns that if state funds are being used to subsidize local elections without being reimbursed, whether that's legal or not," he said. "It's been going on for decades but this is a step to be reimbursed for those."

Russ told members the bill will likely head to conference in order to hash out the details.

The following bills were also approved:

The CS to **SB0148**, by Fields and Russ, requires that a qualified elector applying for issuance or renewal of an Oklahoma driver license be provided voter registration services as required by the National Voter Registration Act. It requires a change of address for an Oklahoma driver license or state identification card submitted by a registered voter also serve as a change of address for voter registration purposes if the new address is within the same county where the voter is registered to vote. The bill requires the voter to be sent a notice and application with instructions for registering to vote at the new address if the new address is outside the county where the voter is currently registered to vote. It prohibits a change of address for an Oklahoma driver license or state identification card from being used to update a voter registration address if the registrant states in writing that the change of address is not for voter registration purposes. It requires the Secretary of the State Election Board to promulgate rules and procedures. Amended to add emergency clause.

- **SB0151**, by Sen. Tom Dugger, R-Stillwater, and Rep. Greg Babinec, R-Cushing, exempts any employee of the Oklahoma

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State Bureau of Investigation who is elected to a local board of education from the prohibition on dual office holding.

- **SB0347**, by Fields and Russ, modifies the days and hours in which registered voters may apply for in-person absentee ballots.
- **SB0350**, by Sen. David Holt, R-Oklahoma City, and Rep. Jon Echols, R-Oklahoma City, modifies the circumstances under which a political party may retain recognition to now require a candidate of the party to receive at least two and one-half percent of the total votes cast for the office in question in either of the preceding two general elections.

**[LESS]**

### **House County, Municipal Government Committee advances three in final meeting**

(eCap) The House County and Municipal Government Committee met for the final time Wednesday to pass three bills before Thursday's deadline.

The bills passed out of the committee include:

- **SB0048**, by Sen. Nathan Dahm, R-Broken Arrow, and Chair Sean Roberts, R-Hominy, updates language and statutory references related to the Commission on County Government Personnel Education and Training. It also removes references to microfilming and requires reproduction and storage of records be done using any generally accepted current technology which will ensure safe documentation and accessibility of public records. It also requires reports of audits of county records to be posted on the county website and the State Auditor and Inspector's website in addition to the notice published in the newspaper.
- The committee substitute for SB0165, by Sen. Dan Newberry, R-Tulsa, and Rep. Glen Mulready, R-Tulsa, allows a sheriff to employ outside counsel to provide immediate representation in a deputy-involved shooting, provided the sheriff does not continue payment to the counsel if the deputy involved is charged with any crime arising from the incident.
- **SB0220**, by Sen. Robert Standridge, R-Norman, and Rep. Josh Cockroft, R-Tecumseh, adds authorization for the board of county commissioners to establish a county employee benefit program to encourage outstanding performance in the workplace. It allows monies to be expended for the purchase of recognition awards for presentation to an employee or members of a work unit. It allows the municipal governing body to enact an ordinance for the establishment of an employee benefit program to encourage outstanding performance in the workplace. It requires said ordinance provide for the expenditure of funds for the purchase of recognition awards for presentation to an employee or members of a work unit.

Mulready opted to lay over SB0584, the last bill included on Wednesday's agenda. It will remain in the possession of the committee, which may chose to hear it at a later date.

**SB0584**, by Newberry and Mulready, decreases from seven to three years the length of time a governing body of a county is required to keep departmental records.

At the meeting's conclusion, Roberts thanked members for their hard work and advised them to be prepared for possible conference committee meetings in the near future.

**[LESS]**

### **House Administrative Rules okays three measures**

(eCap) A bill requiring administrative rules to cite legislative reference for each provision passed the House Administrative Rules Committee Wednesday.

CS to **SB0697**, by Sen. Anthony Sykes, R-Moore, and Rep. George Faught, R-Muskogee, all rulemaking authority delegated by the Legislature to executive branch agencies be used only to implement law or policy as set by the Legislature. It requires all administrative rules, including those already in existence, to include a specific reference to the statutory provision or federal regulation that delegates the authority for promulgation of such rule within three years.

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The committee substitute includes reference to federal regulations as well as state statute.

Faught said the bill allows legislators to see the effect their legislation has on state agencies. It also prohibits agencies from creating overreaching rules, he said.

Chair John Jordan, R-Yukon, noted that the measure could assist legislators in recognizing when measures are burdensome towards state agencies as they will be cited in the administrative rules.

"Would you agree that what we're trying to do here is clarify legislative intent and create efficiencies of scale?" asked Rep. David Brumbaugh, R-Broken Arrow.

Faught agreed, saying as agencies go through the rule making process they may question whether or not a rule is truly needed if not cited in state statute or federal regulations.

The bill received a do pass from the committee.

The following bills also passed:

- CS to [SB0266](#), by Sen. Dan Newberry, R-Tulsa and Rep. Jon Echols, R-Oklahoma City, requires the Oklahoma Real Estate Commission to require the registration of all associate groups affiliated under the same brokerage for the purpose of allowing the Commission to better align and track the affiliated groups within each brokerage. It allows the Commission to charge a registration fee not to exceed the administrative cost of the registration process for the associate groups affiliated with the brokerage. The committee substitute removed language extending the sunset for the Oklahoma Real Estate Commission and updates requirements for applicants for a broker license that hold a broker associate license.
- [SB0570](#), by Sen. A J Griffin, R-Guthrie and Rep. John Jordan, R-Yukon, extends the sunset of the State Board of Cosmetology and Barbering Board to 2021.

[\[LESS\]](#)

### **Health subcommittee advances final bills**

(eCap) The House Appropriations and Budget Subcommittee on Health met briefly Wednesday afternoon to advance six Senate bills.

Few of the bills on the agenda generated much discussion among members. Rep. Tammy West received a couple of inquiries on [SB0741](#), a bill expanding the Community Health Worker pilot program statewide, from Rep. Claudia Griffith, D-Norman.

SB0741, by Sen. Adam Pugh, R-Edmond, and West, R-Bethany, requires the State Department of Health, subject to the availability of funds, to develop and administer a program with the Oklahoma Health Care Authority that will encourage the timely and appropriate use of primary care services in lieu of emergency room utilization. It permits the Oklahoma Health Care Authority and the State Department of Health to collaborate with city-county and county health departments and other relevant stakeholders in the development of the program. It modifies the program components.

West noted Oklahoma County identified 46 frequent emergency room visitors which directed through the pilot program to community health providers, saving \$700,000 over one year.

"It is our desire to extend the program statewide," she added.

Griffith asked West, taking hypothetical 15 percent cuts to both the Health Department and the Health Care Authority into account, how the community health providers under the threat of closing would be affected by the program. West reiterated that the funding

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is subject to availability.

Griffith also asked if the "relevant stakeholders" referred to in the legislation included primary care coordinators in rural areas of the state. West responded that she believed this to be true.

The remaining five bills passed quickly by the subcommittee included:

- **SB0819**, by Sen. Frank Simpson, R-Ardmore, and Rep. Pat Ownbey, R-Ardmore, with title restored, modifies the name of entities listed therein related to homestead lens under the Oklahoma Health Care Authority. It modifies the manner in which the Authority may enforce a lien.
- **SB0773**, by Sen. Kimberly David, R-Porter, and Rep. Glen Mulready, R-Tulsa, requires the Oklahoma Health Care Authority, with assistance from the Department of Human Services and the Department of Mental Health and Substance Abuse Services, to initiate a request for proposal for care coordination models for newborns through children 18 years of age in the custody of the Department of Human Services. It requires any request for proposal to require consideration of and incorporate efforts to continue the implementation of relevant initiatives as provided by the Master Settlement Agreement and administered by the Department of Human Services. It requires the Oklahoma Health Care Authority, with assistance from the Department of Human Services and the Department of Mental Health and Substance Abuse Services, to provide a summary of the request for information responses to the President Pro Tempore of the Oklahoma State Senate, the Speaker of the Oklahoma House of Representatives and the Governor on or before January 1, 2018. It requires the Oklahoma Health Care Authority Board to promulgate necessary rules.
- **SB0774**, by Sen. Kimberly David, R-Porter, and Chair Chad Caldwell, R-Enid, with title stricken, modifies the fee for an application for a license, or renewal thereof, to establish or operate a residential care home, changing it from \$50 to an amount established by the State Board of Health by rule, provided such fee does not exceed \$10 per bed or \$500. It requires all residential care homes to have or employ a licensed administrator for the home, replacing the requirement for the homes to have or employ a certified administrator for the home. The bill also requires each home that proposes new construction or major alteration to submit construction plans to the Department for review prior to the start of construction. It permits the Department to assess a fee for the review in an amount not more than 0.15 percent of \$25,000, whichever is less, per project of the total construction cost of the facility or modification. It requires the State Board of Health to promulgate rules for submission and resubmission of construction plans to ensure the timely review. It reduces the number of times residential care homes must be inspected from three times annually to one time annually. It eliminates the requirement that the inspections be unannounced and permits the inspections to be unannounced. It also eliminates the requirement that one person be invited from a statewide organization of the elderly or disabled by the Department to act as a citizen observer in any inspection and changes it to permits one person be invited from a statewide organization of the elderly or disabled by the Department to act as a citizen observer in any inspection.
- **SB0813**, by Sen. A J Griffin, R-Guthrie, and Caldwell, increases the limit on application and renewal fees under the Department of Mental Health and Substance Abuse Services.
- The committee substitute for **SB0828**, by Griffin and Caldwell, creates the Nursing Facility Supplemental Payment Program Revolving Fund for the Oklahoma Health Care Authority in the State Treasury. It specifies contents of the fund and authorized expenditures. It requires the Health Care Authority to promulgate administrative rules. It repeals language related to wage and salary adjustments.

**[LESS]**

### **Funeral board bill ruffles feathers in House committee**

(eCap) A bill intending to create an additional license for funeral directors who do not wish to practice embalming ruffled some feathers during a House committee Wednesday.

**SB0469**, by Sen. Robert Standridge, R-Norman, and Rep. Scott Martin, R-Norman, went before the House Business, Commerce and Tourism committee.

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The bill creates a license to practice funeral directing, but not embalming, upon meeting eligibility requirements. It requires the curriculum of study for a funeral director license to be in a program of mortuary science prescribed by the Oklahoma Funeral Board.

The contents of the bill itself did not create contention but rather the agency involved.

Rep. Mark McBride, R-Moore, took issue with the lack of solutions to concerns raised by constituents of the Funeral Board. After an explanation of the bill, McBride asked Martin if some of those problems had been addressed.

Martin said he wouldn't speak to other issues and asked that the members focus on the bill.

McBride, however, double down saying, "My problem is people coming up and wanting something new without fixing existing problems within their industry."

"They (Funeral Board) say they need this but they say they need all this other stuff like fines and fees... I guess I just have a problem with the Funeral Board. A big problem," he continued. "They do what they want and they don't address their issues and they just want more stuff."

Martin said the bill was brought forward because of the declining number of funeral directors in the state.

"Some don't have the desire to study how to embalm somebody but they have the skill set to lead a home and deal with families when we lose a loved one," Martin explained. As to McBride's concerns, he added, "I'm happy to help bridge the divide but this is something else."

After some clarification on the merits of the bill, Vice Chair Martin Ford, R-Midwest City, spoke to defend his profession.

Ford, a funeral director, said, "I have never been before the board and many directors that I know have never either. The board is tough because they need to be."

But following that exchange, McBride raised the issue again saying he and others would disagree with the vice chair's statements.

"I've met with several people throughout the state who take issue with the board," he noted. He commented after its passage, SB0469 "is not a bad bill".

Also on Wednesday, one bill's do pass motion failed by a large margin.

**SB0693** with the title restored, by Sen. A J Griffin, R-Guthrie, and Rep. John Jordan, R-Yukon, modifies the definitions of certain terms in the Massage Therapy Practice Act. It defines the term "massage therapy establishment." It prohibits any person from operating, maintaining or managing a message therapy establishment with obtaining a license from the State Board of Cosmetology and Barbering. It requires the board to establish a schedule of fees. It modifies licensing requirements. It requires the board deny a license to an applicant who has been convicted of certain crimes. It establishes requirements for operating a massage therapy establishment. It adds a technology center school accredited by the Oklahoma State Board of Career and Technology Education to the list of entities that may advertise, maintain, manage or operate a massage therapy school. It establishes requirements for licensing by reciprocity. It establishes requirements for massage therapist and establishments. It allows the board to issue field citations. It clarifies language related to advertising. It establishes hearing procedures and requirements.

Many of the committee members took issue with increasing fees and regulation of various industries.

Jordan said the bill is a follow up on last year's legislation which was aimed at reducing the state's rate of human trafficking.

After only a few questions and no debate, the measure failed by a 13 to 1 vote.

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The following bills were given do pass recommendations:

The CS to **SB0283**, by Sen. Dan Newberry, R-Tulsa, and Rep. Mike Osburn, R-Edmond, provides building codes and standards adopted by the Oklahoma Uniform Building Code Commission to be valid and in effect from the date of adoption for a period of six years or until the commission adopts additional codes and standards. It allows the commission to train others outside of inspectors. It removes outdated language. The bill allows the commission to create and maintain a website with a detailed listing of all current building codes and standards adopted by the commission. It requires the annual updating of said information for the purpose of public notification. It allows the commission to require, obtain and post to its website, at no cost, all or part of the detailed building codes and standards adopted by a city, town or county which are different from those of the commission. The bill amends the powers and duties of the CIB to allow them to enter into contacts with the Department of Career and Technology Education if offering programs in secondary and postsecondary instruction in electrical, mechanical, plumbing or roofing trade coursework for the purpose of implementing a workforce development program.

- **SB0297**, by Sen. Stephanie Bice, R-Oklahoma City, and Rep. Glen Mulready, R-Tulsa, modifies acts authorized by a small farm winery license to include: serving free samples of wine produced by the licensee to visitors 21 years or older; selling wine produced by the small farm winery for either on-premises consumption or off-premises to consumer on that winery's premises; and to sell wine at public events. It prohibits any visitor from sampling more than a total of six fluid ounces of wine per day. It establishes requirements for the sampling area.
- The CS to **SB0430**, by Sen. James Leewright, R-Bristow, and Rep. John Montgomery, R-Lawton, creates the Oklahoma Public and Private Facilities and Infrastructure Act. It requires a contracting entity to obtain approval for a qualified project from the responsible governmental entity. It creates requirements for submitting the application and proposal for approval. It requires governmental entities to create and establish guidelines for acceptable projects. The bill requires notice to affected jurisdictions and specifies the duties of the contracting person. The bill provides for funding sources for qualifying projects and procedures concerning affected facility owners. The bill exempts the Oklahoma Department of Transportation and the Oklahoma Turnpike Authority from this act. It allows these agencies to utilize the general provisions and process described herein to develop a public-private partnership contract for a transportation improvement in consultation with the Director of the Office of Management and Enterprise Services (OMES) and subject to the approval of the Oklahoma Transportation Commission or the Oklahoma Turnpike Authority Board as applicable.
- **SB0486**, by Bice and Mulready, requires the excise tax levied on low-point beer to be due on or before the twentieth day of each month and requires tax payers to file electronically with the Tax Commission showing the total sales of such beverages during the preceding calendar month. It modifies the provisions of a brewer license, distiller license, winemaker license, winemaker self-distribution license, rectifier license, wholesaler license. It modifies the allowable duties of a wholesaler. It modifies the provisions of a Class B wholesaler license, package store license, mixed beverage license, bottle club license, caterer license, and all licenses dealing with the sale or distribution of alcoholic beverages. It repeals duplicate sections and certain effective dates.
- **SB0531**, by Sen. Robert Standridge, R-Norman, and Rep. George Faught, R-Muskogee, authorizes the Department of Labor to regulate any advancement in technology that applies to the alarm or locksmith industry. The bill updates statutory references. It prohibits an alarm business licensed under Alarm, Locksmith and Fire Sprinkler Industry Act from being required to obtain multiple licenses to engage in the practice of locksmithing, closed-circuit television and access control when its activities are performed in combination with the installation, maintenance, moving, repairing, replacing, servicing, or reconfiguration of a burglar alarm system.
- **SB0546**, with the enacting clause stricken, by Sen. Jason Smalley, R-Stroud and Rep. Mike Sanders, R-Kingfisher, modifies the definition of "subcontractor" as it relates to roofing.
- **SB0549**, with enacting clause stricken, by Sen. David Holt, R-Oklahoma City and Rep. Tammy West, R-Bethany, prohibits an employment practice from refusing leave not exceeding 20 weeks to a state employee affected by childbirth or related medical condition or adoption or foster placement. It allows the employee to utilize accrued paid leave during this time. The bill recognizes the federal Family and Medical Leave Act. It allows a state employer to require reasonable notice for such leave. It

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provides for violation enforcement.

· CS to **SB0646**, with the title stricken, by Bice and Mulready, permits beer distributors to hold an interim license. It establishes criteria. The measure also provides that any license issued by the ABLE Commission may be relied upon by other licensees as a valid license, and no other licensee has any obligation to independently determine the validity of such license or be held liable solely as a consequence of another licensee's failure to maintain a valid license. The bill modifies language related to marketing and branding of alcoholic beverages. It also repeals various sections of law relating to the sale, shipment, licensing and taxing of, and legal remedies associated with, low-point beer and alcoholic beverages.

· **SB0712**, with the enacting clause stricken, by Bice and Mulready, permits spirits to be stored, possessed or consumed on the licensed premises of an on-premises beer and wine license when the premises also has a mixed beverage license.

One bill was laid over: **SB0751**, by Sen. Dan Newberry, R-Tulsa, and McBride, requires the State Fire Marshal to complete the plan review and permit process within a maximum of 45 days. It permits the Fire Marshall to outsource plan reviews or authorize the person applying for the building permit to submit the plans to an engineer or architect licensed in this state for review of code conformity in order to meet the time period for plan review. It requires conformity the Fire Marshall be notified and the permit issued upon a successful completion of the plan review and code.

**[LESS]**

### **Criminal justice reform bills dually-assigned, also pass House P**

(eCap) The House Public Safety Committee heard three criminal justice reform measures Wednesday that had been heard and passed earlier in the day during a meeting of the House Judiciary-Criminal Justice and Corrections Committee.

While an explanation was not given by either of the committee chairs why the bills were dually assigned, the bills were passed out of both committees with the same amendments adopted.

The bills passed with little discussion and no debate.

The bills include:

· **SB0649**, with title stricken, by Sen. Greg Treat, R-Oklahoma City, and Rep. Terry O'Donnell, R-Catoosa, prohibits a previous conviction for possession of a controlled dangerous substance or the equivalent law for possession of a controlled dangerous substance from any other jurisdiction may not be used to enhance certain punishments. It also establishes certain sentencing requirements. The amendment removes language relating to punishment for individuals charged with multiple felony convictions.

· **SB0689**, as amended, with enacting clause stricken, by Treat and O'Donnell, makes an offender sentenced to life without parole for an offense other than a violent crime who has served at least 10 years of the sentence in the custody of the Department of Corrections eligible for a modification of the sentence by the judge who originally imposed the sentence or revocation of probation or, if the sentencing judge is unavailable, another judge in the judicial district in which the sentence was rendered. It permits the court to modify the sentence upon a finding that the best interests of the public will not be jeopardized. It moves the requirement for the implementation of procedures and rules for methods of establishing payment plans of fines, costs, fees, and assessments by indigents from the Court of Criminal Appeals to the Supreme Court. It requires they be based on income. It requires court to waive outstanding fines, court costs and fees if the offender has secured admission to and is enrolled in a state higher education institution, a technology center school or a workforce training program intended to expand further employment opportunities based on the equivalent value of the potential gross income of the offender as established by the minimum wage rate of the state upon the offender's completion of each 40- hour work week. It requires the Supreme Court to establish a pilot financial obligation payment program, to last for a minimum of three years, with programs in at least one rural district and one urban district to determine whether offenders can make consistent payments of their court-ordered financial obligations for two years in exchange for a waiver of the remaining fines, fees and court costs. It establishes requirements for the program. It

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modifies certain definition. The bill adds specialized caseloads for repeat offenders, offenders with convictions for sex crimes, offenders with conviction for domestic violence offenses and offenders with diagnosed mental health needs to the types of varying levels of supervision by the Department of Corrections probation officers or another qualified supervision source and cognitive behavioral treatment and any other programming or treatment needs as identified based on the results of the risk and needs assessment in community sentencing programs. The bill limits the use of the LSI or other assessment to determine the appropriate sentence to be imposed that does not include incarceration and it prohibits use of the LSI or another assessment to impose a period of incarceration. It establishes requirements for community sentencing system administrators. It requires certain assessment for batterers. It requires the court to ensure that all supervision providers that supervise persons use the sanctions and incentives process established by statute in order to respond to probationer behavior. It requires every person on probation supervision, except a person convicted of certain violent offenses, be eligible to earn discharge credits that reduce the period of supervision and the term of sentence of the person for compliance with the terms and conditions of supervision. It permits any person who has been ordered by the court to pay a fine, court cost, fee or assessment or any combination to request a hearing to establish a payment plan to be determined by assessing the discretionary income of the person. It establishes criteria for making the determination. It reduces from 20 days to 10 days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant for a hearing on a petition setting forth the grounds for such revocation is filed by the district attorney with the clerk of the sentencing court and competent evidence justifying the revocation of the suspended sentence. It grants a district attorney 60 days from the date of the application for revocation to file a petition if the alleged violation is for technical violation of the terms and conditions of probation. It permits a probation officer to recommend revocation of an offender's probation to a hearing officer of the Department of Corrections or an appropriate supervising authority if the severity of the violation warrants or the graduated use of sanctions has been exhausted and the noncompliant behavior has continued. It establishes the failure of an offender to pay fines and costs, excluding restitution, may not serve as a basis for revocation, absent a finding by the probation officer of willful nonpayment by the offender. It clarifies various language. The amendment requires the court to provide notice of the hearing prior to a sentence modification and requires a notice to be given to the victim or representative of the victim and all for an opportunity for the victim to provide testimony at the hearing.

- CS to [SB0786](#), with title and enacting clause stricken, as amended, by Treat and Ben Loring, D-Miami, provides that every person who breaks and enters on any commercial or residential property or any room, booth, tent, railroad car, automobile, truck, trailer, outbuilding or vessel of another, in which any property is kept, with intent to steal any property therein or to commit any felony, is guilty of burglary in the third degree. The bill establishes a penalty for burglary in the third degree. The committee substitute includes outbuilding to the list of third degree burglary places.

Chair Bobby Cleveland, R-Slaughterville, concluded the meeting thanking both O'Donnell and Loring for their work on the reform bills, calling their passage historic.

"Five years ago if someone told me we'd be doing this I would have never believed them. There's been a lot of work from the governor, the staff, to put these bills together," he said. "In 10 years...people will see the difference in what we've done (to) make Oklahoma a better place."

The following bill was laid over: [SB0387](#), by Sen. Anthony Sykes, R-Moore and Rep. Marcus McEntire, R-Duncan, requires a law enforcement agency pay both the salary and training expenses of a person completing the basic state police course in order for the agency to be reimbursed if the individual leaves their agency and joins another law enforcement agency within one year of certification.

[Editor's Note: See related story, House judiciary committee passes criminal justice reform measures]

[\[LESS\]](#)

## **Senate completes short week**

(eCap) The Senate completed its shortened legislative week Wednesday.

No bills were considered on the floor, although three resolutions were adopted:

- [SR0016](#), by Sen. Kimberly David, R-Porter, proclaims Rural Healthcare Day.

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· **SCR0009**, by Sen. Lonnie Paxton, R-Tuttle, and Rep. Scott Biggs, R-Chickasha, congratulates the Chickasha Fightin' Chicks Pom Squad for winning 2017 state championship.

· **SCR0010**, by Paxton and Rep. Leslie Osborn, R-Mustang, congratulates the Tuttle Tigers, the 2017 Class 4A State Wrestling Champions; commends Head Coach Matt Surber for his leadership and dedication.

**HCR1005**, by Rep. Scott Martin, R-Norman and Sen. Frank Simpson, R-Ardmore, states the Legislature joins the Community Bankers Association of Oklahoma in support of the Independent Community Bankers of America "Plan for Prosperity" and asks and encourages the Oklahoma Congressional Delegation for their consideration and strong support.

Thursday is the Senate's deadline for House bills and joint resolutions to be heard in a Senate committee. The last three committees met Wednesday: Business, Commerce and Tourism; Rules; and Appropriations.

The chamber will turn its attention to floor work beginning Monday. The deadline for bills and joint resolutions to be heard in the opposite chamber is April 27.

Majority Floor Leader Greg Treat encouraged members Wednesday to inform him if they wanted their bills that had passed out of committee to be heard on the floor. At the end of Wednesday's floor session, he said he had just 14 requests. He estimated that more than 200 bills had been approved in committee meetings.

"If you delay, we are going to face a lot of late nights," he said.

The Senate will reconvene Monday at 1:30 p.m. Senate, as well as House, offices will be closed Friday in observance of Good Friday.

**[LESS]**

### **Senate Rules Committee advances four bills**

(eCap) Four bills won the approval Wednesday of the Senate Rules Committee, including a measure that would allow the governor and legislative leaders who make appointments to board and commissions to remove their appointees without cause.

**HB2316**, by Rep. Charles McCall, R-Atoka, and Sen. Mike Schulz, R-Altus, received a do pass recommendation with its title stricken. The bill permits the governor to appoint or replace any officers appointed by the governor. It removes the requirement that the removal be for in incompetency, neglect of duty, or malfeasance in office and to then fill the same as provided in cases of vacancy. It also grants the House Speaker and the Senate President Pro Tempore the power to appoint, remove or replace any of their respective appointments on any agency, board or commission, in addition to any appointments created by expiring terms or vacancies provided by law. It exempts appointments to any agency, board or commission if the appointment authority is provided for in the Constitution. It provides that appointments to the following boards and commissions may be removed and replaced without cause by their appointment authority: Oklahoma Employment Security Commission; Mental Health and Substance Abuse Services; Long-Range Capital Planning Commission; Oklahoma Health Care Authority Board; and the State Board of Career Technology Education.

Chair Eddie Fields, R-Wynona, presented the bill on Schulz's behalf and said, "The last several years there have been some issues with boards and commissions."

The bill, if approved, would "speed up the replacement process," Fields said. He noted it also would allow the next governor, speaker and pro tempore to make changes in their offices' respective appointments to boards and commissions if they desired.

Sen. Kay Floyd, D-Oklahoma City, questioned the need for the bill. She said she was concerned that the ability to remove someone without cause was destabilize boards and commissions. Some appointees, she said, might be worried their appointment would be at risk if they voted in a way not consistent with that of the person who appointed them.

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Sen. Robert Standridge, R-Norman, asked Fields if he could give a scenario where the bill might be needed. Fields pointed to a change in the appointing authorities.

Sen. Frank Simpson, R-Ardmore, said one commission defied one of Gov. Mary Fallin's executive orders. In that case, he added, the governor had the authority to remove the commission's members and did remove and replace some of them.

Sen. Kim David, R-Porter, suggested another reason for the bill is that the governor, House speaker and Senate president pro tempore are elected officials and are accountable to the voters, when the board and commission members individually are not.

The bill received a do pass recommendation with its title stricken. Floyd, Standridge, and Sen. Roger Thompson, R-Okemah, voted against the do pass recommendation.

Also receiving do pass recommendations Wednesday were:

- **HB1371**, with enacting clause stricken, by Rep. Johnny Tadlock, D-Idabel, and Sen. Joseph Silk, R-Broken Bow, deletes the date requirement for the appointment of a judicial district supervised visitation team.
- **HB1562**, with title stricken, by Rep. Jon Echols, R-Oklahoma City, and Sen. Greg Treat, R-Oklahoma City, give the Senate management and control of the east side of the rotunda and the House management and control of the west side of the rotunda, as measured from its center.
- **HB1766**, by Rep. Mike Sanders, R-Kingfisher, and Fields, requires any new member appointed to the Oklahoma Ethics Commission by the President Pro Tempore of the Senate or the Speaker of the House of Representatives to have at least two years of experience in an elected position that required reporting to the Commission. It modifies of provided documents. It allows the Commission to transmit to appropriate civil or criminal law enforcement authorities any information received by the Commission or its employees as the result of a complaint or a formal investigation after a hearing by an administrative judge and notice to the Governor, President Pro Tempore and Speaker. It requires any person adversely affected by a decision of the Commission to be afforded an opportunity for a hearing by an administrative law judge after notification of said adverse decision. It modifies the time limit for the filing of a lawsuit.

## [LESS]

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